

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 11/27/2024
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID SPINDEL,	:	
	:	
Plaintiff,	:	1:23-cv-9961-GHW-JW
	:	
-v-	:	<u>ORDER</u>
	:	
KROLL, LLC; and KEVIN NOWASKEY,	:	
	:	
Defendants.	:	
	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		


On August 28, 2024, counsel for defendant Kevin Nowaskey filed a suggestion of death stating that Mr. Nowaskey had passed away. Dkt. No. 44. Federal Rule of Civil Procedure 25(a) governs the substitution of a party in the event of a death. Rule 25(a)(1) provides:

*Substitution if the Claim Is Not Extinguished.* If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25(a)(1). The deadline for any party to file a motion for substitution pursuant to Rule 25(a)(1) was November 26, 2024. Dkt. No. 46. On November 26, 2024, counsel for Plaintiff David Spindel informed the Court that he will not be filing a motion for substitution to replace Defendant Nowaskey. Dkt. No. 47. Accordingly, the claims against Mr. Nowaskey are dismissed. The Clerk of Court is directed to remove Mr. Nowaskey's name from the caption of this case.

SO ORDERED.

Dated: November 27, 2024

  
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 GREGORY H. WOODS  
 United States District Judge